

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Matthew Scott Stewart,

Case No. 19-cv-2638 (WMW/TNL)

Petitioner,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

Tracy Beltz, *warden*,

Respondent.

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This matter is before the Court on the March 5, 2020 Report and Recommendation (R&R) of United States Magistrate Judge Tony N. Leung. (Dkt. 10.) No objections to the R&R have been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The March 5, 2020 R&R, (Dkt. 10), is **ADOPTED**.
2. Respondent's motion to dismiss, (Dkt. 5), is **GRANTED**.
3. Petitioner's petition for a writ of habeas corpus, (Dkt. 1), is **DENIED**.
4. This matter is **DISMISSED WITH PREJUDICE**.
5. No certificate of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 22, 2020

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge